

STATE DEPARTMENT OF EDUCATION
JUNE 21, 2012

SUBJECT

Temporary Proposed Rule IDAPA 08.02.01.250, Rules Governing Uniformity, Fractional ADA calculations and payments, and division of ADA for Dual Enrolled Students.

APPLICABLE STATUTE, RULE, OR POLICY

Idaho Administrative Code IDAPA 08.02.01.250
Section 33-1002A, Idaho Code

BACKGROUND/DISCUSSION

Changes to IDAPA 08.02.01.250 are being proposed consistent with Senate Bill 1184. Senate Bill 1184, passed during the 2011 legislative session, and now enacted as Section 33-1002A, Idaho Code, provides that average daily attendance funding be counted and divided based on the “time” spent in multiple school district or public charter school programs, or online courses in which the content provider is not the student’s home school district or public charter school. Since the law does not specify how “time” is to be counted, IDAPA rules must be revised to provide specificity. The 2011 Public School Technology Task Force examined this issue in detail and recommended that credits be used as the basis of dividing “time” spent in various programs or online courses. Of the various methodologies considered by the task force, a credit-based methodology was the only one that offered both uniformity of basis and simplicity of implementation.

This rule also includes language allowing the State Department of Education to determine what constitutes an overload class, within the language of the law, and prescribe consistent schedules to govern the timing of fractional average daily attendance (ADA) payments from students’ home school districts and public charter schools to other multiple enrollments and non-government online course providers.

There is also new language allowing school districts and/or public charter schools to share ADA in the case of dual enrolled students. This language is temporary, applying only to the 2012-2013 school year. This will allow school districts and public charter schools to be funded according to these mutual agreements while a more permanent, systemic approach is developed to address these situations beginning in the 2013-2014 school year.

IMPACT

This rule will allow for the proper implementation of Fractional ADA, including specifying the basis for fractional ADA calculations, the timing of payments from students’ home school districts and public charter schools to course providers and the determination of what constitutes an overload course. The rule also allows school districts and public charter schools serving dual-enrolled students to receive funding according to an agreed upon plan for sharing student ADA for the 2012-2013 school year.

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ATTACHMENTS

Attachment 1 IDAPA 08.02.01.250

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STAFF COMMENTS AND RECOMMENDATIONS

During the 2012 Legislative session additional questions arose regarding the calculation of fractional average daily attendance as it relates to student who may be dually enrolled students. The Idaho Association of School Administrators is currently looking into proposing an amendment to this same section of rule and may bring additional amendments forward at the August Board meeting.

BOARD ACTION

I move to approve the temporary and proposed changes to IDAPA 08.02.01.250, Rules Governing Uniformity, Fractional ADA Calculations and Payments as submitted.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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IDAPA 08.02.01250.PUPIL ACCOUNTING AND REQUIRED INSTRUCTIONAL TIME.

(Sections 33-512 and 33-1002A, Idaho Code)

(4-1-97) (06-20-12)

01. Required Instructional Time. Excluding transportation to and from school, lunch periods, passing times, and recess, schools must schedule at least the following instructional times: kindergarten, four hundred fifty (450) hours per year; grades one through three (1-3), eight hundred ten (810) hours per year; grades four through eight (4-8), nine hundred (900) hours per year; and grades nine through twelve (9-12), nine hundred ninety (990) hours per year. (4-1-97)

02. Required Attendance. All pupils will complete four (4) years of satisfactory attendance in grades nine through twelve (9-12) to graduate from an accredited high school, except those who are approved for early graduation. (4-1-97)

03. Day in Session When Counting Pupils in Attendance. (4-1-97)

a. A school day for grades one through twelve (1-12) may be counted as a “day in session” when the school is open and students are under the guidance and direction of teachers in the teaching process for not less than four (4) hours of instruction per day. Lunch periods, breaks, passing time and recess will not be included in the four (4) hours. For kindergarten, each session will be at least two and one-half (2 1/2) hours per day. (4-1-97)

b. Half-day Session. A half-day in session occurs when the students in grades one through twelve (1-12) are under the guidance and direction of teachers in the teaching process for a minimum of two and one-half (2 1/2) hours of instruction or the teachers are involved in staff development activities for not less than two and one-half (2 1/2) hours. (4-1-97)

c. Teacher Inservice Activities. For grades one through twelve (1-12), not more than twenty-two (22) hours may be utilized for teacher inservice activities, based on the district approved calendar. In the event a school district chooses to utilize full days instead of half-days, the attendance reported for these full days will be the average of the attendance for the other days of that same week. (4-1-97)

04. Day of Attendance - Kindergarten. A day of attendance for a kindergarten pupil is one in which a pupil is physically present for a period of two and one-half (2 1/2) hours under the direction and guidance of a teacher while school is in session or under homebound instruction. A homebound student is one who is unable to attend school for at least ten consecutive days due to illness, accident or an unusual disabling condition. Attendance will be reported in half-day increments. Attendance reports for any day in the school year will reflect only those students physically present. Particularly, enrollment figures are not to be used for the beginning nor closing weeks of school. (Section 33-1001(5), Idaho Code.) (4-1-97)

05. Day of Attendance (ADA) - Grades One Through Twelve (1-12). A day of attendance is one in which a pupil is physically present for the full day under the guidance and direction of a teacher or other authorized school district personnel while school is in session or is a homebound student under the instruction of a teacher employed by the district in which the pupil resides, with the exception as stated in “day in session” above. A homebound student is one who is unable to attend school for at least ten (10) consecutive days due to illness, accident or an unusual disabling condition. Attendance will be reported in full or half-days. Attendance reports for any day in the school year will reflect only those students physically present or under homebound instruction. (Section 33-1001(4), Idaho Code) (4-1-97)

06. Average Daily Attendance. In a given school year, the average daily attendance for a given school is the aggregate days attendance divided by the number of days school was actually in session. (Section 33-1001(2), Idaho Code) (4-1-97)

07. Average Daily Attendance Sharing Agreements. For the 2012-2013 school year only, school districts and/or public charter schools may enter into written agreements to share the average daily attendance (ADA) of dual enrolled students, provided that the percentage shares negotiated are proportional to the number of credits in which

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students are enrolled in each school district and/or public charter school, and the total equals no more than one (1.00) ADA per student. A copy of each written agreement shall be provided to the State Department of Education as a condition of receiving ADA funding for such students. (06-20-12)

08. Fractional Average Daily Attendance. The basis of Fractional Average Daily Attendance calculations for period-based courses in grades 6-12 shall be credits, as such term is defined in 08.02.03.105.01. Two-thirds of the calculated average daily attendance owed by school districts and public charter schools shall be paid based on the number of eligible students enrolled, and one-third based on the number of students successfully completing courses. The timing of such payments shall be based on a schedule of payments prescribed by the State Department of Education. The State Department of Education shall determine what constitutes an overload course in which school districts and public charter schools are not liable for Fractional Average Daily Attendance payments, pursuant to Section 33-1002A, Idaho Code. (Section 33-1002A, Idaho Code) (06-20-12)